

**PHARMACY EXAMINING BOARD
MEETING MINUTES
SEPTEMBER 22, 2016**

PRESENT: Grace Degner, Franklin LaDien, Terry Maves, Thaddeus Schumacher, Philip Trapskin, Kristi Sullivan, Cathy Winters

STAFF: Dan Williams – Executive Director, Nilajah Hardin – Bureau Assistant, Sharon Henes – Administrative Rules Coordinator, and other Department staff

CALL TO ORDER

Thaddeus Schumacher, Chair, called the meeting to order at 10:40 a.m. A quorum of seven (7) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Under Item I.6. Credentialing Matters: Add “Update on MPJE Test Question Committee”*

MOTION: Philip Trapskin moved, seconded by Cathy Winters, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 21, 2016

MOTION: Philip Trapskin moved, seconded by Terry Maves, to approve the minutes of July 21, 2016 as published. Motion carried unanimously.

PILOT PROGRAM MATTERS

List of Requests for Pilot Program Approval

MOTION: Franklin LaDien moved, seconded by Cathy Winters, to delegate authority to the Board’s Executive Director to review and approve any requests for participation in the following Pilot Programs: Institution Tech-Check-Tech, Pharmacy Technician Ratio, and Automated Technology Final Check for the duration of the Pilots. Motion carried unanimously.

MOTION: Terry Maves moved, seconded by Philip Trapskin, to approve the following pharmacies to participate in the Institution Tech-Check-Tech Pilot Program:

1. Aurora Baycare Medical Center- Green Bay
2. Aurora Medical Center-Kenosha
3. Aurora Medical Center – Two Rivers
4. Aurora Memorial Medical – Sheboygan
5. Aurora St Lukes – Milwaukee
6. Community Memorial – Menomonee Falls
7. Froedtert Mem Lutheran – Milwaukee
8. Gundersen Lutheran – La Crosse
9. Healthdirect Institutional Pharm – La Crosse
10. Mayo Health Systems-La Crosse
11. Mercy Medical – Oshkosh

12. Omnicare – La Crosse
13. Omnicare – Milwaukee
14. St. Clare's Hospital – Baraboo
15. St. Elizabeth Hospital – Appleton
16. St. Joseph's Hospital – Marshfield
17. St. Michael's Hospital – Stevens Point
18. UW Hospital – Madison

Motion carried unanimously.

MOTION: Terry Maves moved, seconded by Philip Trapskin, to approve the following pharmacies to participate in the Pharmacy Technician Ratio Pilot Program:

1. Aurora Specialty – Butler
2. Cass Street Pharm – La Crosse
3. Clinton Pharm – Clinton
4. Foster & Smith Pharm – Rhinelander
5. Healthdirect Institutional Pharm – Appleton
6. Healthdirect Institutional Pharm – Eau Claire
7. Healthdirect Institutional Pharm – La Crosse
8. Hoey Apothecary – Madison
9. Mallatt's – Madison
10. Mallatt's - Menomonee Falls
11. MedPak Pharm – La Crosse
12. Morton LTC – Neenah
13. O'Connell Pharm – Sun Prairie
14. Omnicare – Appleton
15. Omnicare – Chippewa Falls
16. Omnicare – La Crosse
17. Omnicare – Madison
18. Omnicare – Milwaukee
19. Richland Family Prescript – Richland Center
20. Reedsburg Family Prescript – Reedsburg
21. RockMED LTC – Edgerton
22. Streu's Pharm – Green Bay
23. Women's Inter Pharm – Madison

Motion carried unanimously.

MOTION: Terry Maves moved, seconded by Philip Trapskin, to approve the following pharmacies to participate in the Automated Technology Final Check Pilot Program:

1. Aurora St Lukes – Milwaukee
2. Healthdirect Institutional Pharm – La Crosse
3. Mercy Health System – Janesville
4. Omnicare – Milwaukee
5. Phoenix Pharmacy – Milwaukee
6. RockMED LTC – Edgerton
7. UW Hospital – Madison
8. Winnebago Mental health – Winnebago

Motion carried unanimously.

Appearances

Pharmacy Society of Wisconsin (PSW) – Advancing Community Pharmacy Quality Pilot Program

- MOTION:** Cathy Winters moved, seconded by Franklin LaDien, to find the Community Tech-Check-Tech Pilot Program is related to the practice of pharmacy or prescription verification, and the program will improve the safety, quality, or efficiency of the practice of pharmacy in Wisconsin. The Board authorizes the Community Tech-Check-Tech Pilot Program, and approves waiver(s) from the Wis. Admin. Code §§ Phar 7.01(1)(c), Phar 7.01(1)(d), Phar 7.015(3)(a), and Phar 7.015(4) with the following changes:
1. Licensed and located in the state of Wisconsin
 2. Have a continuous quality improvement program which means a system of standards and procedures to identify and evaluate quality-related events, and to constantly enhance the efficiency and effectiveness of the structures and process of a pharmacy system that determine the outcomes of medication use
 3. Willingness to participate in the research studies of Community Tech-Check-Tech approved by the Board
 4. Patient consultation will include a procedure like “show and tell” which affords the pharmacist a visual check of the medication before it is dispensed to the patient or inclusion of the description of the pill and associated markings/imprints on the prescription label for the patient to visually check the medication after it is dispensed
 5. The reporting form and requirements will be amended to match the Institutional Tech-Check-Tech Pilot Program

The Board delegates authority to the Pilot Program Liaison to work with this Pilot Program. The Community Tech-Check-Tech Pilot Program will begin on November 1, 2016 and end on October 31, 2019, or the promulgation of rules, whichever is sooner. Motion carried unanimously.

- MOTION:** Terry Maves moved, seconded by Cathy Winters, to approve the Pharmacy Society of Wisconsin’s (PSW) Advancing Community Pharmacy Quality Pilot Program research study as meeting the requirements of the Community Tech-Check-Tech Pilot Program. Motion carried unanimously.

Other Related Matters

- MOTION:** Franklin LaDien moved, seconded by Cathy Winters, to request DSPS staff modify all forms related Pharmacy Technician Ratio Pilot Program to include interns and delegate the Chair to approved these forms. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Update on Board of Nursing Rules

MOTION: Franklin LaDien moved, seconded by Kristi Sullivan, to authorize the Chair to request information regarding dispensing and prescribing of medication from the Board of Nursing. Motion carried unanimously.

Phar 7.10 Relating to Act 290

MOTION: Terry Maves moved, seconded by Kristi Sullivan, to authorize the Chair to approve the emergency rule draft of Phar 7.10 relating to Act 290 for submission to the Governor's Office and Publication and the corresponding preliminary rule draft for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CLOSED SESSION

MOTION: Franklin LaDien moved, seconded by Terry Maves, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Thaddeus Schumacher, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Grace Degner-yes; Franklin LaDien –yes; Terry Maves-yes; Thaddeus Schumacher-yes; Kristi Sullivan- yes; Philip Trapskin-yes; Cathy Winters-yes. Motion carried unanimously.

The Board convened into Closed Session at 3:13 p.m.

RECONVENE TO OPEN SESSION

MOTION: Terry Maves moved, seconded by Cathy Winters, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 5:00 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Kristi Sullivan moved, seconded by Franklin LaDien, to affirm all motions made in closed session. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warning(s)

15 PHM 035 – T.J.L.

MOTION: Terry Maves moved, seconded by Kristi Sullivan, to issue an Administrative Warning in the matter of 15 PHM 035 (T.J.L.). Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

MOTION: Terry Maves moved, seconded by Cathy Winters, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 15 PHM 035 (C.H.W.)
2. 15 PHM 175 (P.A.K.)
3. 16 PHM 070 (A.P.)

Motion carried unanimously.

16 PHM 003 – B.R.O.

MOTION: Philip Trapskin moved, seconded by Terry Maves, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Brian R. Olson, R.Ph., DLSC case number 16 PHM 003. Motion carried. Recused: Thaddeus Schumacher

(Thaddeus Schumacher recused himself and left the room for deliberation, and voting in the matter concerning 16 PHM 003 (B.R.O.).)

Case Closings

MOTION: Philip Trapskin moved, seconded by Cathy Winters, to close the DLSC cases for the reasons outlined below:

1. 15 PHM 037 (A.P.) – Prosecutorial Discretion (P5 - Flag)
2. 15 PHM 127 (P.C.) - Prosecutorial Discretion (P5 - Flag)
3. 15 PHM 155 (W.P, W.P, and W.P.) – Insufficient Evidence
4. 15 PHM 218 (C.V.S. and D.S.) – Prosecutorial Discretion (P2)
5. 16 PHM 074 (C.L.W. and S.P.) - Insufficient Evidence
6. 16 PHM 083 (A.C.P.) - Prosecutorial Discretion (P2)
7. 16 PHM 088 (S.P.S.) - Prosecutorial Discretion (P2)
8. 16 PHM 092 (K.C.P.) - Prosecutorial Discretion (P2)
9. 16 PHM 108 (M.F.V.) - Prosecutorial Discretion (P2)

Motion carried unanimously.

Monitoring

Erin Orth, R.Ph. – Requesting Full Licensure

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to deny the request of Erin Orth, R.Ph. for full licensure. The Board instead grants a reduction in drug and alcohol screens to 14 per year and one annual hair test and unlimited PIC hours. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (09/23/2009). The Respondent shall show complete compliance for six months before petitioning the Board. Motion carried. *Franklin LaDien voted no.*

CONSULT WITH LEGAL COUNSEL

15CV94 Pufall v. Wisconsin Pharmacy Examining Board

MOTION: Terry Maves moved, seconded by Franklin LaDien, to authorize the Chair to make the decision regarding 15CV94 Pufall v. Wisconsin Pharmacy Examining Board, following consultation with the Assistant Attorney General. Motion carried unanimously.

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to request DSPS staff research who the summons was served to in DSPS regarding 15CV94 Pufall v. Wisconsin Pharmacy Examining Board, and what the Departments procedures are for providing notification to the Board. The Board also requests information as to why it was not notified prior to today's meeting. Motion carried unanimously.

ADJOURNMENT

MOTION: Terry Maves moved, seconded by Kristi Sullivan, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 5:01 p.m.